



Fish and Fish Habitat Protection Program – Pacific Region

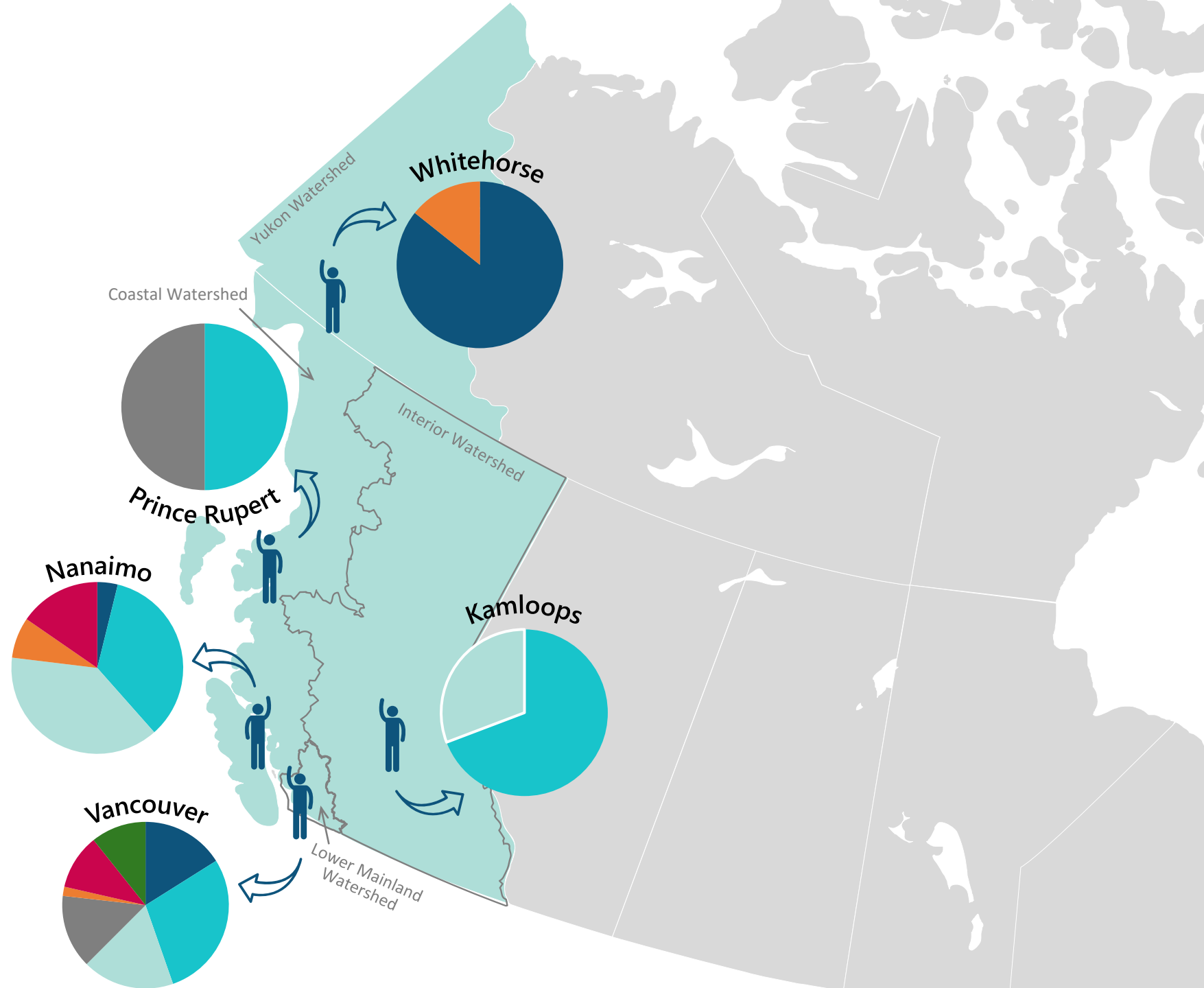
Shoreline Restoration & Fisheries Act Regulatory Review

Program Distribution

- Central management with distribution of resources in Area offices and integrated approach to programming across Divisions
- Watershed approach-4 zones. Coastal / Yukon / Interior / Lower mainland
- Building local knowledge and expertise for species & habitats.
- FFHPP engages with other DFO sectors/ Areas in areas of shared interest

FFHPP Divisions

- Regional Operations Division
- Watershed Operations
- Integrated Planning for Salmon Ecosystems
- Impact Assessment Major Projects
- Indigenous Relations





FFHPP – What We Do

- ➔ The program helps conserve and protect fisheries and aquatic ecosystems for future generations. This is done through administering and ensuring compliance of projects taking place in and around fish habitat under the:
 - Fish and fish habitat protection provisions of the *Fisheries Act*
 - Relevant provisions of the *Species at Risk Act*

- ➔ For projects taking place in or near water, FFHPP can:
 - Identify risks to fish and fish habitat associated with your project
 - Work with you to ensure these risks are managed in the best way possible

- ➔ FFHPP has expertise in reviewing a variety of development projects in marine and estuarine environments:
 - Shoreline protection and restoration
 - Saltmarsh restoration
 - Riparian restoration
 - Slope stabilization, etc.



Harmful Alteration, Disruption or Destruction

SECTION 35(1)

“ No person shall carry on any work, undertaking or activity that results in the **harmful alteration, disruption or destruction** of fish habitat



→ Harmful Alteration, Disruption or Destruction

- Defined in the policy as any temporary or permanent change to fish habitat that directly or indirectly impairs the habitat's capacity to support one or more life processes of fish.

Definition:

Fish Habitat

“ **Water frequented by fish** and any other areas on which fish depend directly or indirectly in order to carry out their life processes, including spawning grounds and nursery, rearing, food supply and migration areas



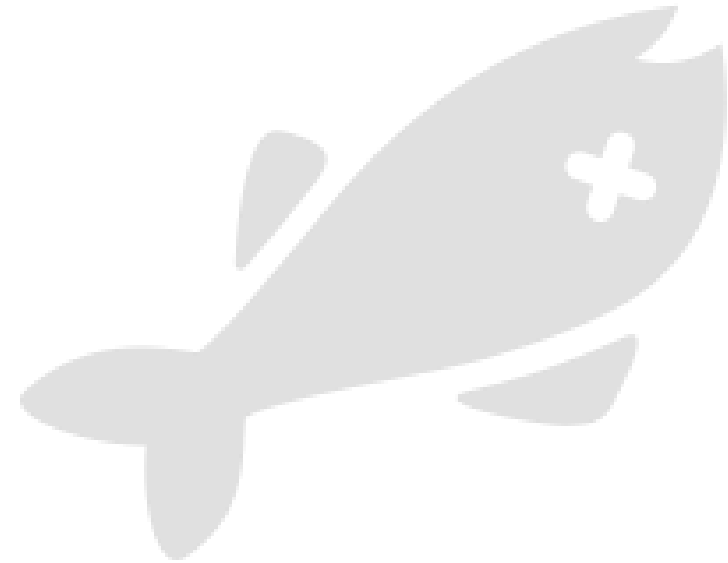
Death of Fish

SECTION 34.4(1)

“ No person shall carry on any work, undertaking or activity, that results in the **death of fish** by means other than fishing.

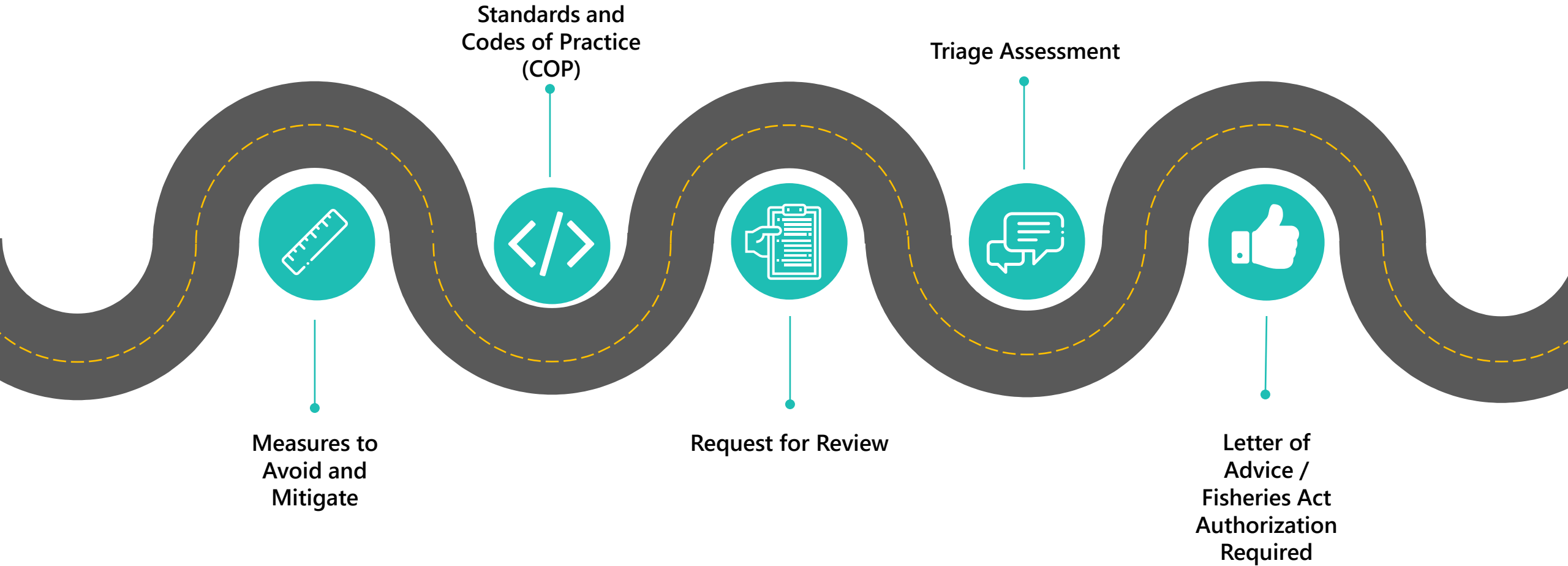
→ **Death of Fish** is defined as

Any action that results in the end of life of fish,
by means other than fishing





Regulatory Review Continuum





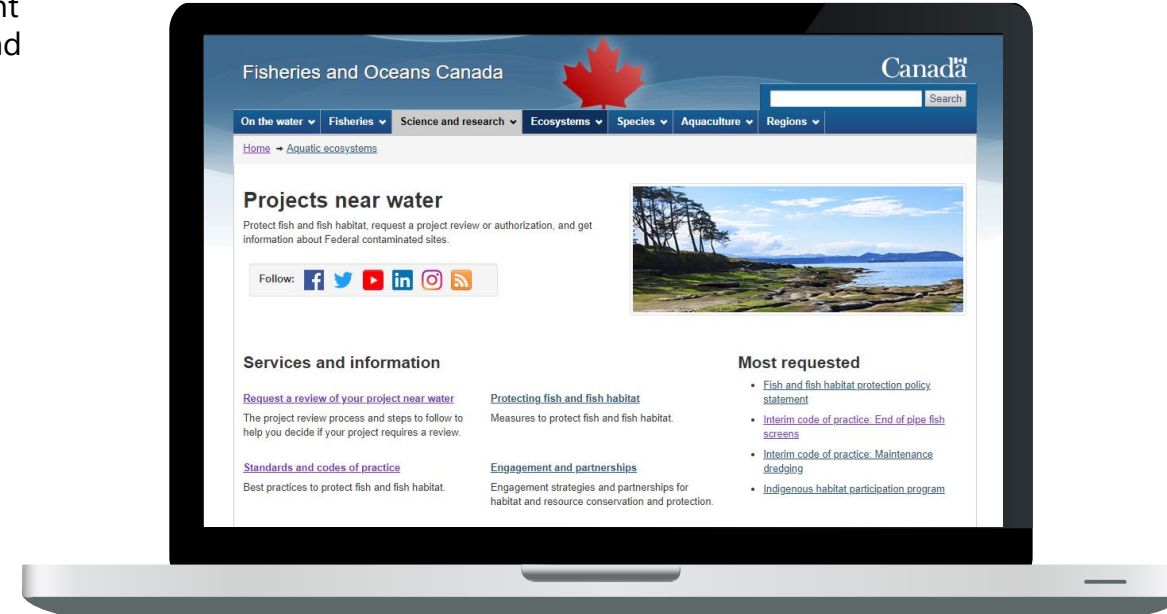
Projects Near Water Website

- Provides regulatory guidance and policy
 - Measures to protect fish and fish habitat
 - Codes of Practice
 - SARA permitting process
 - Fish and Fish Habitat Protection Program Policy Statement
 - Policy for Applying Measures to Offset Impacts to Fish and Fish Habitat Under the Fisheries Act

- Process steps:
 - Is there a relevant COP and do you meet ALL conditions and can apply ALL measures?
 - Can you otherwise apply ALL standardized measures?

- If application or Notification required – Pacific Centralized Referrals Triage Inbox
ReferralsPacific@dfo-mpo.gc.ca – one window

- If impacts cannot be fully avoided and/or mitigated, proponents are encouraged to **seek a review**.



Projects Near Water: <http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>



Shoreline Restoration – When to Request a Project Review



- No applicable DFO Codes of Practice for shoreline restoration.

- Measures to protect fish and fish habitat are applicable to shoreline restoration (<https://www.dfo-mpo.gc.ca/pnw-ppe/measures-mesures-eng.html>). Key measures will include:
 - Maintaining riparian vegetation
 - Carry out works, undertakings and activities on land
 - Ensure proper sediment control
 - Prevent entry of deleterious substances in water

- If the project impacts cannot be fully avoided and mitigated, consider submitting a Request for Review.





Shoreline Restoration – How to Request a Project Review



→ Download the Request for Review form and guidance from our website.
<https://www.dfo-mpo.gc.ca/pnw-ppe/reviews-revues/request-review-demande-d-examen-004-eng.html>

→ Complete the form following the guidance and submit to the Pacific Referrals Inbox: ReferralsPacific@dfo-mpo.gc.ca. Include relevant supporting documentation such as:

- Project description and methods
- Project drawings (including footprints)
- Habitat assessment of aquatic and riparian habitat including photos
- Construction environmental management plan

→ All submissions are entered in DFO's Program Activity Tracking for Habitat (PATH) system and will be assigned a number (XX-HPAC-XXXXX) to track project activities.

→ *NOTE: Pacific Region is currently requesting submission of all non-urgent works a minimum of 60 days in advance.*





Regulatory Review Process - Overview



Employ a risk-based approach to regulatory decision-making to determine the likelihood and severity of potential impacts to fish and fish habitat



Completeness Review

- Project Description/Location
- Drawings
- Aquatic and Riparian Environment
- Potential Effects
- Species at Risk



Hierarchy of Preferences

- 1) Avoid (relocate/redesign)
- 2) Mitigate
- 3) Offset



All fish species are considered



Spatial, temporal and sensitivity criteria for assessment of risk.
Precautionary approach



Regulatory Review – Shoreline Restoration

→ FFHPP conducts a RISK-BASED assessment of the likelihood the works, undertaking, or activity (WUA) will temporarily or permanently impair the habitat's capacity to support one or more life processes of fish and what type of "instrument" is appropriate to manage that risk.

→ Key considerations during review:

- Project type (nature-based, hybrid, or armouring variation)
- Location (above/below HWM, local environment, habitat)
- How will the work be completed (temporary & permanent footprints)
- Potential effects of carrying out the project (habitats & species)
- Avoidance and mitigation measures
- Overlap of project footprint with available habitats
- Any residual impacts and their duration

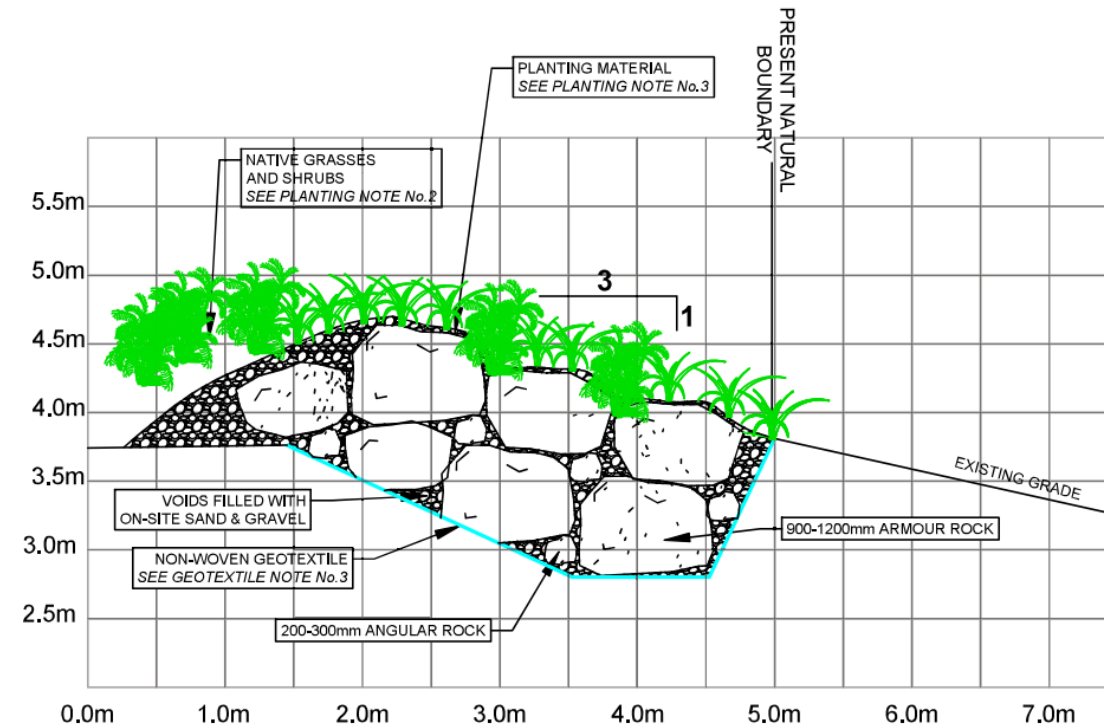




Shoreline Restoration – Considerations



Geotextile – avoid to the extent possible, especially where it will become exposed over time





Shoreline Restoration – Considerations



Elevations, slopes, and local conditions – key design considerations for success





Shoreline Restoration – Considerations



Beach Nourishment – Erosion protection? Habitat? Both?





Shoreline Restoration – Considerations



Woody Debris – some is natural, most is not





Questions?